

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

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In re:	)	Chapter 11
	)	
BIG LOTS, INC., <i>et al.</i> ,	)	Case No. 24-11967 (JKS)
	)	
Debtors. <sup>1</sup>	)	(Jointly Administered)
	)	
	)	

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**NOTICE OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS  
REGARDING RULE 30(b)(6) DEPOSITION OF PORTER WRIGHT MORRIS & ARTHUR LLP**

**TO:** Porter Wright Morris & Arthur LLP

**PLEASE TAKE NOTICE** that, in connection with the *Motion of Debtors for Entry of Orders (I)(A) Approving Bidding Procedures for Sale of Debtors' Assets, (B) Approving the Stalking Horse Bid Protections, (C) Scheduling Auction for, and Hearing to Approve, Sale of Debtors' Assets, (D) Approving Form and Manner of Notices of Sale, Auction, and Sale Hearing, and (E) Approving Assumption and Assignment Procedures, (II)(A) Approving Sale of Debtors' Assets Free and Clear of Liens, Claims, Interests, and Encumbrances and (B) Authorizing Assumption and Assignment of Executory Contracts and Unexpired Leases, and (III) Granting Related Relief*, and pursuant to Rules 26 and 30(b)(6) of the Federal Rules of Civil Procedure, made applicable here by Rules 7026, 7030, and 9014 of the Federal Rules of Bankruptcy Procedure and Rule 7030-1 of the Local Rules for the United States Bankruptcy Court for the District of Delaware, the Official Committee of Unsecured Creditors (the “Committee”) appointed in the

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<sup>1</sup> The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers, are as follows: Great Basin, LLC (6158); Big Lots, Inc. (9097); Big Lots Management, LLC (7948); Consolidated Property Holdings, LLC (0984); Broyhill LLC (7868); Big Lots Stores - PNS, LLC (5262); Big Lots Stores, LLC (6811); BLBO Tenant, LLC (0552); Big Lots Stores - CSR, LLC (6182); CSC Distribution LLC (8785); Closeout Distribution, LLC (0309); Durant DC, LLC (2033); AVDC, LLC (3400); GAFDC LLC (8673); PAFDC LLC (2377); WAFDC, LLC (6163); INFDC, LLC (2820); Big Lots eCommerce LLC (9612); and Big Lots F&S, LLC (3277). The address of the debtors' corporate headquarters is 4900 E. Dublin-Granville Road, Columbus, OH 43081.

above-captioned chapter 11 cases, by and through its undersigned counsel, Cole Schotz P.C. and McDermott Will & Emery LLP, will take the deposition of Porter Wright Morris & Arthur LLP, that certain law firm that conducted an investigation and created that certain *Independent Investigation Report* prepared for Big Lots, Inc., dated November 8, 2024, attached as Exhibit 1 to that certain letter, dated November 8, 2024, from James I. McClammy to counsel to the Committee in response to the Notice of First Set of Interrogatories of the Official Committee of Unsecured Creditors Directed to the Debtors. The deposition shall commence on November 18, 2024 at 10:00 a.m. (EST) and continuing from day to day until completed remotely via the offices of McDermott Will & Emery LLP, or at such other time and place as counsel for the parties may mutually agree, before an officer authorized by law to administer oaths.

The testimony will be recorded by audio, video or stereographic means. The Committee will conduct this deposition utilizing the secure web-based deposition option afforded by Veritext or in the alternative video teleconferencing (VTC) services offered by Veritext (“Web Deposition”) or telephonically only to provide remote access for those parties wishing to participate in the deposition via the internet and/or telephone. The deposition shall be stenographically recorded by a person authorized by law to administer oaths. The court reporter may also be remote via one of the options above for purposes of reporting the proceeding and may or may not be in the presence of the deponent.

Please contact undersigned counsel at least one (1) business day prior to the deposition to advise of the names and email addresses of those participating so that the necessary credentials, call-in numbers, testing, and information can be provided to you prior to the proceedings. In addition, the Committee may utilize instant visual display technology such that the court reporter’s

writing of the proceeding will be displayed simultaneous to their writing of same on one's laptop, iPad, tablet or other type of display device connected to the court reporter.

Porter Wright Morris & Arthur LLP shall produce to testify on its behalf one or more persons who consent to testify on its behalf, who have knowledge of the topics set forth in Schedule A hereto.

Dated: November 11, 2024  
Wilmington, Delaware

**COLE SCHOTZ P.C.**

/s/ Justin R. Alberto

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- and -

**McDERMOTT WILL & EMERY LLP**

Darren Azman (admitted *pro hac vice*)  
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*Proposed Counsel to the Official Committee  
of Unsecured Creditors*

## SCHEDULE A

### DEFINITIONS

Unless otherwise defined herein, all words and phrases used herein shall be accorded their usual meaning and shall be interpreted in their common, ordinary sense.

1.     “Affiliate(s)” shall have the meaning ascribed to it in 11 U.S.C. § 101(2).
2.     The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
3.     The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
4.     “Bankruptcy Cases” and “Chapter 11 Cases” means those certain jointly administered chapter 11 cases styled as *In re Big Lots, Inc., et al.*, No. 24-11967 (JKS) (Bankr. D. Del.), pending in the Bankruptcy Court.
5.     “Bankruptcy Court” means the United States Bankruptcy Court for the District of Delaware.
6.     “Board” means any group or subcommittee with the responsibility of, among other things, governing the Debtors or overseeing the activities and operations of the Debtors, including the Big Lots, Inc. Board of Directors.
7.     “Committee” shall mean the Official Committee of Unsecured Creditors appointed in the Chapter 11 Cases.
8.     “Debtor(s)” means, individually and collectively, any of the debtors whose Bankruptcy Cases are jointly administered in the Bankruptcy Court and their respective subsidiaries and Affiliates and all predecessors, Officers, Directors, employees, agents,

consultants, advisors, attorneys, and representatives or other Persons acting on their behalf (including the outside counsel of such entities).

9.     “Directors” means all current and former members of the Board.

10.    “Include” and “Including” means “include without limitation” and “including”.

11.    “Interrogatory Response” means that certain letter, dated November 8, 2024, from James I. McClammy to counsel to the Committee in response to the Notice of First Set of Interrogatories of the Official Committee of Unsecured Creditors Directed to the Debtors.

12.    “Investigation” means the investigation conducted by Porter Wright Morris & Arthur LLP as referenced in the Interrogatory Response.

13.    “Investigation Report” means that certain Independent Investigation Report prepared for Big Lots, Inc., dated November 8, 2024, prepared by Porter Wright Morris & Arthur LLP and attached as Exhibit 1 to the Interrogatory Response.

14.    “Officers” means all current and former officers of the Debtors, including the Chief Executive Officer, Chief Financial Officer, Chief Operating Officer, and any other executive of similar title, of the Debtors.

15.    “Person” or “Entity” includes any natural person or entity, including but not limited to any corporation, partnership, limited liability company, joint venture, firm, association, proprietorship, governmental agency, business, organization, and any employee, owner, or agent of the foregoing.

**TOPICS**

1. The Investigation conducted by Porter Wright Morris & Arthur LLP.
2. The Investigation Report prepared by Porter Wright Morris & Arthur LLP.